

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PP0502	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/AU2004/001040	International filing date (day/month/year) 5 August 2004	Priority date (day/month/year) 5 August 2003
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ A01C 7/04, 7/20		
Applicant HOLLY, John		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 12 sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

☒ Box No. I Basis of the report

☐ Box No. II Priority

☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐ Box No. IV Lack of unity of invention

☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☐ Box No. VI Certain documents cited

☐ Box No. VII Certain defects in the international application

☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 1 March 2005	Date of completion of the report 28 November 2005
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer A. SEN Telephone No. (02) 6283

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/AU2004/001040

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language which is the language of a translation furnished for the purposes of:

- ☐ international search (under Rules 12.3 and 23.1 (b))
☐ publication of the international application (under Rule 12.4)
☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

☐ the international application as originally filed/furnished

☒ the description:

pages 1-3, 5-34 as originally filed/furnished

pages* 4, 4a, 4b, 35, 36 received by this Authority on 18 November 2005 with the letter of 18 November 2005

pages* received by this Authority on with the letter of

☒ the claims:

pages as originally filed/furnished

pages* as amended (together with any statement) under Article 19

pages* 37-43 received by this Authority on 18 November 2005 with the letter of 18 November 2005

pages* received by this Authority on with the letter of

☒ the drawings:

pages 1/12-12/12 as originally filed/furnished

pages* received by this Authority on with the letter of

pages* received by this Authority on with the letter of

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
☐ the claims, Nos.
☐ the drawings, sheets/figs
☐ the sequence listing (*specify*):
☐ any table(s) related to the sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
☐ the claims, Nos.
☐ the drawings, sheets/figs
☐ the sequence listing (*specify*):
☐ any table(s) related to the sequence listing (*specify*):

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/AU2004/001040

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-32	YES
	Claims	NO
Inventive step (IS)	Claims 1-32	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-32	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

Claims 1-32 meet the criteria set forth in PCT Article 33(2)-(4) for novelty, inventive step and industrial applicability. The prior art published before the priority date does not disclose a seeding apparatus/method comprising a rotatable seed metering element, means for rotating the metering element, vacuum generating means, feed system, release means and delivery means wherein the metering element is a drum and the seeds are accelerated and thereafter placed adjacent to the metering apertures on the surface of the drum at a controlled speed.

UNITED STATES NATIONAL STAGE WORKSHEET (DO/EO)
B.C., Patent Application Specialist, PCT/DO/EO/National Stage Division

Publication No. WO 05/011358 Publication Date 02-10-05

Not Published: U.S. only Requested

Basic fee paid: \$ 150 IPER fee paid: \$ 100 AU ISA fee paid: \$ 200 AU

U. S. Application No. - 10/ 562,194

International Application Number: PCT/AU04/ 01040 International Filing Date: 08-05-04

Application Filed by 30 Month: ☒ Yes ☐ No Language: English

Copy in International Application: yes ☒ no ☐ Translation: yes ☐ no ☐ Defective: ☐ Yes

371 Filing Fees ☒ paid ☐ insufficient Meet Article 33 Requirement: ☐ Yes ☐ No & why not

Original claims: 1-46 Added Claims: 32 Chargeable 32 Independent 2 multiple N

Claims Cancelled via Article 34 (33-46) &/or Pre-Amdt 9 Claims added via Article 47-70
(Not Entered)

Total Number of Drawing Sheets: 12 Foreign Text

Oath/Declaration: yes ☒ no ☐ signed ☒ unsigned ☐ defective ☐ Date Satisfied: 2-3-06

PCT/RO/101/Request Form Declaration: ☐ yes: ☐ signed ☐ unsigned

Small Entity: ☒ Yes Small Entity Statement ☐ Assertion by filing fee paid ☒ Large Entity: ☐

1st Submission: Biochemical Seq. Diskette: yes ☐ no ☐ entered & date ☐ not entered & date ☐

2nd Submission: Biochemical Seq. Diskette: yes ☐ no ☐ entered & date ☐ not entered & date ☐

Biochemical Seq. Listing: yes ☐ no ☐ statement ☐ yes ☐ no other submission date(s): ☐

Biochemical Diskette/Listing not needed: ☐

Copy of ISR: ☐ with references ☐ without references ☒ Non-Establishment of ISR PCT/ISA/203

Article 19 Amendment: ☐ entered ☐ not entered Replaced by Article 34 Amendment ☒

Copy of IPER: ☐ without Annexes: ☒ with Annexes: ☒ Annexes entered ☐ Annexes not entered 237

Reason Annexes have not been entered: ☐

Preliminary Amendment(s): yes ☐ not entered ☐ & Why ☐ Other Amendment dates: ☐

IDS: ☒ yes ☒ with references ☐ without references Other IDS Dates: 6-20-06

Request for Immediate Examination: yes ☐ no ☐ Other Early Processing Date: ☐

Substitute Specification: yes ☐ Other Documents filed: 306

Assignment: yes ☐ Date filed: ☐ Assignment for PG Pub: Yes ☐ Date filed: ☐

Power of Attorney ☒ Application Data Sheet ☐ Priority Document(s): yes ☒

Application Size: Spec. 35 Claims 9 Abstract 1 Drawings 12 Seq. List 1 Seq. RF 1 Total: (57)

Application Fees: owed ☒ paid ☐

Declaration ☒ Claims ☐ Multiple ☐ Translation ☐ Extension ☐ Petition ☐ Application size ☐

Date of 35 USC Receipt of Request: 02-03-06

Date Completion USC 371 Requirements: 11

Notice of Missing Requirements: ☐ Response to Missing Requirements ☐

371 Formalities Letter: (Sequence) 922 ☐ 922 Response ☐ or (Fees Owed) 923 ☐ 923-Response ☐

Notice of Defective Response: ☐ Defective Response Reply ☐

Notice of Acceptance: 09-02-06

Notice of Abandonment: ☐ Petition to Revive: ☐ Petition 1.47: ☐

239/3752

"Miscellaneous Internal Document"
listed at 3 Feb 06 in PUBLIC PAIR